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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,161

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Hsi-Hur Lai

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7590

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Hsi-Hur Lai  
12315 Ashford Meadows Dr.  
Sugar Land, TX 77478

EXAMINER

GUIDOTTI, LAURA COLE

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/624,161

Applicant(s)

LAI ET AL.

Examiner

Laura C. Guidotti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 Line 4, it is unclear as to what is meant by "hat shaped".

Claim 1 recites the limitation "the sides" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the base" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the eraser" in Lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the surface" in Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the center holes" in Line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the hat shaped" in Line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the case's side screw holes" in Line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the two rollers" in Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the connecting springs" in Line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the eraser case" in Line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the case" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "The side bracket" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the eraser belt" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the proper track position" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "The pad" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the edge" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "The eraser rotator" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the hose" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the erase case" in Line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Liao, USPN 4,941,225.

Liao discloses the claimed invention including a rectangular hollow case with holes on the sides (10; see Figure 2), a brusher (51) fastened to a base of the eraser to wipe chalk powder rapidly from a surface of the eraser (Column 3 Lines 22-30), there are shafts inserted into holes of the rollers (33; see Figure 2) and roller shaft holes on the case (11A, 11B) to secure the position (see Figure 2), and a hat shaped bracket is tightly screwed into the side holes to support the belt fabric (see Figure 2). Liao discloses the claimed invention including an eraser belt fabric (36) that is capable of moving in forward or reverse directions due to two rollers (32) and a support bracket (31), the tension of the eraser belt is tight from connecting springs between the rollers and the eraser case (331; Column 2 Lines 27-33). The bracket (31) contains the eraser belt (36) in a proper track position (see Figures).

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6. Claims 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Leary, USPN 1,552,713.

Leary discloses the claimed invention including a case (entire housing including 61, 47, 46) that has upper and lower ball seats (75) to hold a hose rotator (76) that connects to a vacuum cleaner (74; Page 4 Lines 37-58). There is a pad installed around an edge of the case (30, 31, 32).

7. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Bettman, USPN 1,801,620.

Bettman discloses the claimed invention including an eraser rotator (21, 25, 26) that is connected to a hose (34) of a small vacuum cleaner (Page 3 Lines 55-58) in order to eliminate chalk from an air space (Page 1 Lines 53-64).

### ***Conclusion***

8. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents

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located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2003/0000042 to Wang and USPN 5,537,711 to Tseng each represent other examples of board erasers that rely upon a wiping device and vacuum or suction to remove dust from a board surface without the dust particles entering ambient air.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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LCG

  
GLADYS JP CORCORAN  
SUPERVISORY PATENT EXAMINER